

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

HOFFMAN CORTES CONTRACTING)
COMPANY, a Missouri corporation,)
Plaintiff,)
-vs-)
THE METIS GROUP, INC., a Texas)
corporation, et al.,)
Defendants.)
Case No. CIV-04-1649-F

ORDER

Before the court is the Motion to Amend Scheduling Order to Extend Deadline for Filing Dispositive and Daubert Motions, docket entry no. 94. The motion was filed on July 29, 2005. The motion was filed by the plaintiff and by some of the defendants.

The motion states, in paragraph 1, that the relief requested in this motion “will not affect the trial setting or other deadlines herein.” This statement wholly and inexplicably ignores the second paragraph of numerical paragraph 8 of the scheduling order in this case, which states, in substance, that the interval between the dispositive motion deadline and the trial docket is inflexible and that an extension of time to file or respond to a motion for summary judgment will likely affect the trial setting. (This aspect of scheduling was also discussed at the scheduling conference in this case.) Likewise, the motion also makes no attempt at all to deal with the scheduling considerations which are discussed in the chambers rules of the undersigned judge,

with which counsel were required to familiarize themselves prior to the April 7, 2005 scheduling conference in this case. The motion is accordingly **DENIED**. Any serious Daubert issues will be considered and resolved at trial. If any parties are entitled to judgment as a matter of law, that, likewise, will be dealt with at the appropriate juncture at trial.

DATED August 3, 2005.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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